

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROMERO MONTE THOMAS-EL,
#684159,

Plaintiff,

Civil Action No. 20-CV-10128

vs.

HON. BERNARD A. FRIEDMAN

DOUGLAS SMITH, et al.,

Defendants.

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**AMENDED¹ ORDER ACCEPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is presently before the Court on defendants' motion for summary judgment (ECF. No. 46). Magistrate Judge David R. Grand has issued a Report and Recommendation ("R&R") in which he recommends that this motion be denied. No party has objected to the R&R, and the objection period has expired.

The Court has reviewed defendants' motion, plaintiff's response, defendants' reply, and plaintiff's sur-reply, and agrees with the magistrate judge's analysis and recommendation. Accordingly,

IT IS ORDERED that Magistrate Judge Grand's R&R is hereby accepted and adopted as the findings and conclusions of the Court [ECF No. 100].

¹ This order amends ECF No. 104 by adding the decretal paragraph to resolve defendant Gilbert's motion for summary judgment (ECF No. 79), which relies on the same grounds as the motion for summary judgment previously filed by the other defendants (ECF. No. 46).

IT IS FURTHER ORDERED that defendants' motion for summary judgment (ECF No. 46) is denied.

IT IS FURTHER ORDERED that defendant Gilbert's motion for summary judgment (ECF No. 79) is denied.

Dated: August 9, 2021
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 9, 2021.

Romero Monte Thomas #684159
Baraga Maximum Correctional Facility
13924 Wadaga Road
Baraga, MI 49908

s/Johnetta M. Curry-Williams
Case Manager